

# PETITION FOR MODIFICATION OF EXISTING CUSTODY ORDER

*A copy of your current Custody Order MUST be attached to your Petition.*

**COMPLETE STEP-BY-STEP INSTRUCTIONS ARE ON PAGE 2.**

**\*\*\*BEFORE YOU GO TO COURT, YOU MUST GIVE 3 BUSINESS DAYS' NOTICE\*\*\***

**#1. The purpose is to let the other person know when you are going to go to Court. They have a right to be there. Give or send them, or their lawyer, the "Notice of Intention to Present" which informs the other party of the date you will be going to Court.**

On the **Notice of Intention to Present** form, if you give the other party the papers on a

1. Monday or Friday, you would write the date for the following Thursday
2. Tuesday or Wednesday, you would write the date for the following Monday
3. Thursday, you would write the date for the following Tuesday

**You do not need an appointment. The Judge will hear everyone who attends that day.** If both parties attend when you present the Complaint, you will get a quicker hearing date.

**#2. If you are also filling for emergency or special relief, you MUST give the other party the Modification papers AT THE SAME TIME.**

**#23. You must also give them COPIES of all the documents you are going to give the Judge, except for Notice of Service & Acceptance of Service. Keep the originals to take to Court.**

**You MUST complete ALL of the forms in this packet, which include:**

1. **Notice of intention to Present** – see above information for details.
2. **Petition to Modify Custody Order cover sheet** - this must include the case number and the party names as they were on the original Custody Order (i.e. the plaintiff is always the plaintiff and defendant is always the defendant, regardless of who is filling out the Petition)
3. **Petition**
4. **Verification**
5. **Order** – ONLY complete the top section of this form, the Judge will complete the rest
6. **Proof of Service and Acceptance of Service** – do nothing with these papers until you get to Step 7 or 8 of the instructions.
7. **Notice to incarcerated parent** – **If the other parent is presently incarcerated, ask library staff for this form and include it with the complaint.**

Custody Motions Court is in Courtroom #5, Monday , Tuesday and Thursday, excluding Court holidays, no later than 8:45 a.m. (*No court on Wednesday & Friday.*)

**YOU MUST BE AT LEAST 18 YEARS OLD TO FILE ON YOUR OWN**

**If you are not 18 years old you must have your custodial parent(s) or Court Appointed Guardian file for you.**

**THERE IS A DRESS CODE IN THE COURTROOM.  
TURN CELL PHONES COMPLETELY OFF IN THE COURTROOM.**

## Court of Common Pleas of Beaver County

### Child Custody Filing Procedures

*Please note that the law librarian, staff of the Beaver County Law Library, staff of the Juvenile Services Division, staff of the Court Administrator's Office and the Judge's Law Clerk are neither qualified nor permitted to assist persons in the preparation or filing of child custody documents or to provide legal advice or assistance of any kind on child custody or any other legal matters.*

**LITIGANTS ARE STRONGLY ENCOURAGED TO CONSULT WITH AN ATTORNEY.**

## SUMMARY OF STEPS

### Before you go to Court:

1. Complete the forms in INK, not pencil. Incomplete forms may be refused.
2. Photocopy all of the paperwork (except the Proof of Service and Acceptance of Service forms) and send or give it to the other party along with the Notice of Intention to Present **THREE DAYS BEFORE** you present the Petition to the Judge. The date you write on this form is the day you plan to deliver the documents to Court. It must be at least 3 business days away and must be a Monday, Tuesday, Wednesday or Thursday. If both parties attend when you present the Petition, you will get a quicker hearing date.

### In Court:

3. Take **completed** forms to **Motions Court, Courtroom #5, Second Floor of the Courthouse, no later than 8:45 a.m.** any Monday, Tuesday and Thursday. **Late motions will not be heard. Go into the Courtroom, have a seat and wait your turn.**
4. The Judge will sign the petition and assign a hearing date, if needed. You will then receive a clocked copy of the Order and the original will be returned to you.
5. Get your paperwork from the Law Clerk.

### After you leave Court:

6. **FILE** the papers in the Prothonotary's Office (1<sup>st</sup> floor).
  - a. After you have presented your motion to the Judge you must file all of the original documents that you gave to the Judge with the Prothonotary's office.
7. **SERVE** the other party with the Order signed by the Judge. This means you give or mail the other party copies of all the papers that you gave to the judge.
  - a. If you choose to hand deliver the documents, you must have the other Party sign an **Acceptance of Service** form. You **MUST FILE** the Acceptance of Service in the Prothonotary's office after it is signed.
  - b. If you serve the other party by mail you must send the documents by **both Regular mail and Certified mail**. Complete the Proof of Service form by making check marks on the line before both regular and certified mail. **Make a photocopy.** File it with the Prothonotary. After you receive the green card verifying certified mail, staple the green card to the Proof of Service and file it again with the Prothonotary.
8. **FILE** either a Proof of Service or Acceptance of Service Form with the Prothonotary after service has been done. **MAKE AND KEEP A COPY FOR YOURSELF.**
9. Bring a copy of the Proof of Service or Acceptance of Service that you filed in the Prothonotary's office to ALL later hearings, conferences and/or trials.

**Note:** When filling out the forms--parties must be identified as Plaintiff or Defendant as they are listed on the *original* custody Complaint, regardless of who is filing the Petition. The person filing the petition is the *Petitioner*; the other party is the *Respondent*.

## IMPORTANT INFORMATION

### NOTICE:

BEFORE you present your Custody petition, you MUST give THREE business days Notice to the other party or parties. Giving Notice means that you send or give the other party the Notice of Intention to Present and copies of the documents you will be presenting to the judge. If the other party has a lawyer, you give the notice to the lawyer instead of the party. If both parties show up you will be assigned a quicker date.

If you are also filling for emergency or special relief, you MUST give the other party advance notice BEFORE you go to Court.

**Petition for Emergency Custody** - Minimum 24 hours written notice BEFORE you give your papers to the Judge. Only in extreme situations will the Judge accept oral notice.

**Petitions for Special Relief** - at least 3 business days written notice BEFORE you give your papers to the Judge

If there is a PFA, you may send the legal paperwork but do NOT include any other letters, notes, etc. If it is a true emergency, you may have a family member or friend call or hand deliver copies of the notice. Only in extreme emergencies will the Judge accept oral notice.

When filling out the forms- -parties must be identified as Plaintiff or Defendant as they are listed on the *original* custody Complaint, regardless of who is filing the Petition. The person filing the petition is the *Petitioner*; the other party is the *Respondent*.

**\*\*\*\* Always keep a copy of the Proof of Service documents for your records and ALWAYS bring the Proof of Service forms to all Conciliation Conferences, Pre-Trial Conferences and/or Hearings/Trials in Court.**

If you do not know where the other party lives, you must read PA Rules of Court # 430 & #1930.4 and Beaver County Local Rule # 430 and follow the required procedures. These are complicated procedures and it is in your best interest to make every effort to find the other party and deliver the paperwork wither in person or by mail.

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
PENNSYLVANIA**

\_\_\_\_\_,  
Plaintiff,  
vs. \_\_\_\_\_ No. \_\_\_\_\_  
\_\_\_\_\_,  
Defendant.

**NOTICE OF INTENTION TO PRESENT**

**TO:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(name & address of the other party)

Please take notice that I intend to present the attached Motion/ Petitions on (date) \_\_\_\_\_ at 8:45 a.m, Courtroom No. 5, Beaver County Courthouse, Beaver, PA. If you wish to oppose the requested relief or action, you should appear at that time and present your objections to the court.

**Date** \_\_\_\_\_  
\_\_\_\_\_  
Petitioner

**CERTIFICATION OF SERVICE**

I hereby certify that I have caused to be served a true and correct copy of the attached on the above named defendant at least 3 business days prior to the date of presenting the Motion by way of (check all that apply):

\_\_\_\_\_ regular mail  
\_\_\_\_\_ certified mail  
\_\_\_\_\_ hand delivery

\_\_\_\_\_  
Petitioner



IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
PENNSYLVANIA

\_\_\_\_\_,  
Plaintiff,  
vs. \_\_\_\_\_, No. \_\_\_\_\_  
Defendant.

PETITION FOR MODIFICATION OF CUSTODY ORDER

1. The petition of \_\_\_\_\_ (*your name*) respectfully represents that on (*date*) \_\_\_\_\_ an Order of Court was entered regarding custody of (*child/ren's name/s*) \_\_\_\_\_. A true and correct copy of the current custody copy is attached to this Petition.

2. This order should be modified because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The child/children has resided at \_\_\_\_\_  
ADDRESS (give full address)  
for the past 6 months.

WHEREFORE, Petitioner requests that the Court modify the existing Order for visitation because it will be in the best interest of the child(ren).

\_\_\_\_\_  
Petitioner's signature

**I AM OVER THE AGE OF 18. Yes / No (CIRCLE ONE)**

## VERIFICATION

I, \_\_\_\_\_, verify that the statements made in this Petition for Modification of Custody are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann § 4904, relating to unsworn falsification to authorities which provides that if I knowingly make false averments, I may be subject to criminal penalties.

\_\_\_\_\_  
Petitioner

Date: \_\_\_\_\_

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
P E N N S Y L V A N I A  
CIVIL ACTION-LAW

\_\_\_\_\_  
Plaintiff :  
vs. : No. \_\_\_\_\_  
\_\_\_\_\_  
Defendant :

ORDER OF COURT

You, \_\_\_\_\_, have been sued in Court to obtain custody or visitation of the child(ren) (give names) \_\_\_\_\_.

You are ordered to appear in person before the Child Custody Conference Officer, Juvenile Services Division **at the Courthouse, first floor**, in Beaver, Pennsylvania, 15009 on \_\_\_\_\_ (date) at \_\_\_\_\_ (time) for a Conference before conference officer \_\_\_\_\_ . ( The Court will assign the date, time, and officer.)

All children age 10 and over must be present for this Conference.

If you fail to appear as provided by this Order or to bring the children, an order for custody, partial custody or visitation may be entered against you or the court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE.  
IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE,  
GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO  
FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyer Referral Service  
775 Fourth Street  
Beaver, PA 15009  
(724) 728-4888

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Beaver County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
PENNSYLVANIA

\_\_\_\_\_,  
Plaintiff,  
vs. \_\_\_\_\_  
No. \_\_\_\_\_  
\_\_\_\_\_,  
Defendant.

PROOF OF SERVICE

I \_\_\_\_\_ (*your name*), hereby certify that I delivered a copy of the  
(*name of document*) \_\_\_\_\_ to  
\_\_\_\_\_ (*name of party*) on \_\_\_\_\_ (*date*),  
at \_\_\_\_\_ o'clock p.m./a.m. Delivery was made by (check all that apply):

- \_\_\_\_\_ regular mail
- \_\_\_\_\_ certified mail
- \_\_\_\_\_ hand delivery

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PETITIONER

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
PENNSYLVANIA

\_\_\_\_\_,  
Plaintiff,  
vs. \_\_\_\_\_, No. \_\_\_\_\_  
\_\_\_\_\_,  
Defendant.

ACCEPTANCE OF SERVICE

I accept service of the \_\_\_\_\_ (*name of document*). I certify that I am authorized to accept service on behalf of defendant.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DEFENDANT OR AUTHORIZED AGENT

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
MAILING ADDRESS

*Note: If defendant accepts service personally, the second sentence should be deleted.*